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HOUSE BILL 868

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Eric A. Youngberg

AN ACT

RELATING TO TAXATION; PROVIDING AN INCOME TAX DEDUCTION FOR  
ATTENDANCE AT A HOME SCHOOL OR A NONGOVERNMENTAL SCHOOL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Income Tax Act is enacted  
to read:

"[NEW MATERIAL] DEDUCTION--HOME SCHOOL OR NONGOVERNMENTAL  
SCHOOL ATTENDANCE. --

A. A resident who files an individual New Mexico  
income tax return and is not a dependent of another taxpayer  
may claim a deduction from net income in an amount equal to one  
thousand dollars (\$1,000) for each school-age child who:

(1) may be claimed by the resident as a  
dependent in the taxable year for which the deduction is  
claimed; and

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1 (2) attended in New Mexico for more than six  
2 months during the school year that ended during the taxable  
3 year a home school, as that term is defined in the Public  
4 School Code, or an accredited nongovernmental elementary or  
5 secondary school.

6 B. A husband and wife who file separate returns for  
7 a taxable year in which they could have filed a joint return  
8 may each claim only one-half of the deduction that would have  
9 been allowed on the joint return.

10 C. For the purposes of this section:

11 (1) "dependent" means "dependent" as defined  
12 in Section 152 of the Internal Revenue Code; and

13 (2) "school-age child" means a child who is at  
14 least five years of age and not older than eighteen years of  
15 age prior to September 1 of the school year."

16 Section 2. APPLICABILITY.--The provisions of this act  
17 apply to taxable years beginning on or after January 1, 2003.